

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 342

Introduced by Brown, 6; Bromm, 23; Bruning, 3; Byars, 30;
Coordsen, 32; Engel, 17; Jensen, 20; Jones, 43;
Kiel, 9; Lynch, 13; Robak, 22; Schmitt, 41;
Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2;
Hudkins, 21; Janssen, 15

Read first time January 12, 1999

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to elevators; to amend sections 48-418.02 to
2 48-418.04, 48-418.06, 48-418.07, 48-418.10 to 48-418.12,
3 and 48-418.14, Reissue Revised Statutes of Nebraska; to
4 provide an exemption from certain standards; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. A church shall be exempt from the rules and
2 regulations adopted under section 48-418.12 regarding the
3 installation of a key-switch elevator if the church verifies that
4 the elevator will be restricted to the use of disabled or elderly
5 persons who need access which the elevator will provide and that an
6 elevator is not otherwise required by state or federal regulation.
7 A key-switch elevator may only be installed in a building that does
8 not have another elevator. The key-switch elevator must meet the
9 requirements of the Nebraska Elevator Code for private residence
10 elevators.

11 Sec. 2. Section 48-418.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-418.02. The Commissioner of Labor and the state
14 elevator inspector shall have the right and power to enter any
15 building or structure, public or private, for the purpose of
16 inspecting any equipment covered by sections 48-418 to 48-418.12
17 and section 1 of this act or gathering information with reference
18 thereto.

19 Sec. 3. Section 48-418.03, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 48-418.03. Upon making an inspection of any equipment
22 covered by sections 48-418 to 48-418.12 and section 1 of this act
23 and receipt of the inspection fee, the inspector shall give to the
24 owner or user thereof a certificate of inspection, upon forms
25 prescribed by the Commissioner of Labor. The certificate shall be
26 posted in the elevator car.

27 Sec. 4. Section 48-418.04, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 48-418.04. The provisions of sections 48-418 to
2 48-418.12 and section 1 of this act shall not apply to (1)
3 elevators under the jurisdiction and subject to inspection by the
4 United States Government, (2) elevators used exclusively for
5 agricultural purposes, and (3) elevators in private residences.

6 Sec. 5. Section 48-418.06, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 48-418.06. The state elevator inspector shall maintain a
9 complete and accurate record of the name of the owner or user of
10 each elevator and equipment subject to sections 48-418 to 48-418.12
11 and section 1 of this act and a full description of the equipment
12 and the date when last inspected.

13 Sec. 6. Section 48-418.07, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-418.07. The inspections required by sections 48-418
16 to 48-418.12 and section 1 of this act shall not be made when any
17 owner or user of any equipment obtains an inspection by a
18 representative of a reputable insurance company licensed to do
19 business in Nebraska, obtains a policy of insurance from such
20 company upon the equipment, and files with the Commissioner of
21 Labor a certificate of inspection by such insurance company and a
22 statement that such equipment is insured, and no fee shall be
23 required. No inspection shall be required under sections 48-418 to
24 48-418.12 and section 1 of this act when there has been an annual
25 inspection under a city ordinance which meets the standards of the
26 Nebraska Elevator Code.

27 Sec. 7. Section 48-418.10, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 48-418.10. The Elevator Inspection Fund is hereby
2 created. The Commissioner of Labor shall use the fund for the
3 administration of the elevator inspection program pursuant to
4 sections 48-418 to 48-418.14 and section 1 of this act. The fund
5 shall consist of money appropriated to it by the Legislature and
6 fees collected in the administration of the elevator inspection
7 program.

8 Fees so collected shall be remitted to the State
9 Treasurer for credit to the fund and shall not lapse into the
10 General Fund. Any money in the Elevator Inspection Fund available
11 for investment shall be invested by the state investment officer
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska
13 State Funds Investment Act.

14 Sec. 8. Section 48-418.11, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 48-418.11. Any person, ~~persons,~~ or corporations, and the
17 directors, managers, superintendents, and officers of such
18 corporations, violating any of the provisions of sections 48-418 to
19 48-418.12 and section 1 of this act, shall be guilty of a Class V
20 misdemeanor. Each violation shall be a separate offense.

21 Sec. 9. Section 48-418.12, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-418.12. The Commissioner of Labor shall adopt and
24 promulgate rules and regulations to establish safety requirements
25 for elevators used in this state and to implement the exemption for
26 installation of key-switch elevators as described in section 1 of
27 this act. A safety code may be adopted as a rule and regulation by
28 the commissioner and shall thereafter be known as the Nebraska

1 Elevator Code. The rules and regulations may conform generally to
2 the standards found in the American National Safety Code A 17.1 as
3 published by the American Society of Mechanical Engineers. A copy
4 of this code, if so adopted, shall be kept on file in the office of
5 the commissioner.

6 Sec. 10. Section 48-418.14, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 48-418.14. For purposes of sections 48-418 to 48-418.12
9 and section 1 of this act, unless the context otherwise requires,
10 elevator shall include (1) any hoisting or lowering mechanism
11 equipped with a car or platform which moves in guides in a
12 substantially vertical direction and which serves two or more
13 floors of a building or structure, (2) an escalator, (3) a
14 power-driven incline, (4) a continuous stairway used for raising or
15 lowering passengers, (5) moving sidewalks, (6) dumbwaiters, and (7)
16 tray conveyors.

17 Sec. 11. Original sections 48-418.02 to 48-418.04,
18 48-418.06, 48-418.07, 48-418.10 to 48-418.12, and 48-418.14,
19 Reissue Revised Statutes of Nebraska, are repealed.